

Rose Michelle 08.20.20

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION  
4                   - - -  
5   MICHELLE ROSE,                   :  
6                   Plaintiff,       :  
7           vs.                       : Case No. 1:20-cv-00132  
8   UNIVERSITY HOSPITALS,       :  
9   et al.,                         :  
10                  Defendants.     :

11                   - - -

12                   August 20, 2020

13                   Remote Deposition of

14                   Michelle Rose

15

16

17                   the Plaintiff herein, called by the  
18   Defendant for cross-examination under the  
19   applicable Rules of Ohio Civil Court Procedure,  
20   taken before me, Linda A. Schilt, a Registered  
21   Professional Reporter and Notary Public in and for  
22   the State of Ohio, taken pursuant to Notice, at the  
home of Michelle Rose, 1690 Lake Crest Drive,  
Roaming Shores, Ohio 44084, on Thursday, August 20,  
2020, commencing at approximately 2:00 p.m., and  
concluding at approximately 5:30 p.m.

- - -

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25 since '99. Take me through just in general the

11

1 gaps.

2 A. I was off of them for a long time.

3 And then when this whole process started with work

4 and my father's diagnosis with the cancer and

5 stuff, that's when it all started probably in

6 August of '17.

7 THE COURT REPORTER: Counsel, I

8 need a clarification.

9 Did you say your father's cancer?

10 MS. ROSE: Yes.

11 BY MR. CAMPBELL:

12 Q. You're saying that caused you to

13 need some medication, your father's cancer?

14 A. No. It actually started with

15 work-related issues.

16 Q. Okay. We'll talk about those and

17 we'll see where it went after that.

18 So let me ask you your current

19 state, are you currently approved and receiving

20 benefits under the Social Security Disability

21 Insurance program?

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22 A. Under what program, Social Security  
23 Disability?

24 Q. SSDI, Social Security Disability  
25 Insurance program.

12

1 A. Insurance? Are you asking if I'm on  
2 disability or are you asking if I'm covered under  
3 insurance there?

4 Q. Disability. Are you familiar with  
5 the term Social Security Disability Insurance,  
6 SSDI?

7 A. I am on disability. I don't know  
8 where the word insurance comes into play there, but  
9 I do collect a disability check.

10 Q. Okay. And we were trying to get the  
11 file for that, so do you know the attorney who  
12 helped with that filing?

13 A. Hoagland Law Firm.

14 Q. Did you ask the law firm to get you  
15 the file?

16 A. I'm sorry?

17 Q. Have you asked your lawyer to get  
18 you the file or information on your disability?

19 A. No. Every time I call there, all I

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20 would get was their assistant and couldn't get a  
21 call back from the attorneys about anything. And  
22 then finally received my first check automatic  
23 deposit into my accounts.

24 Q. Okay. And do you know the date when  
25 your disability commenced, when they found you were

13

1 first disabled?

2 A. I do believe it was November 27th of  
3 2017.

4 Q. Okay. And did you ask for that date  
5 or how did that come about?

6 A. That was the date that I had my  
7 reconstructive knee surgery.

8 Q. Okay. And do you believe that is  
9 the date that you became disabled?

10 A. That is the date that they -- they  
11 put as disabled.

12 Q. Okay. Well, do you agree with it or  
13 not?

14 A. I have no idea.

15 Q. You don't know if -- I guess, do you  
16 know if you asked the SSDI or the disability

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17 program to make that the first day of your  
18 disability or not?

19 A. No. He asked for all my medical  
20 records, the judge, and I gave him all the medical  
21 records. He reviewed them and that's the date that  
22 he said that I was disabled from.

23 Q. Okay, okay. So just -- we'll leave  
24 it with this. Just so I understand, do you agree  
25 that -- first of all, the disability standard means

14

1 in typical terms you can't work, right?

2 A. Correct.

3 Q. Okay. Do you agree that since  
4 November 27, 2017, you've been unable to work due  
5 to your knee and other issues?

6 A. I was unable to do the work that I  
7 was doing.

8 Q. So you agree or not? Do you agree  
9 with the judge?

10 A. Yes, I agree with the judge.

11 Q. Okay. And so let me ask you one  
12 more question as to it. What is your understanding  
13 of your disability that they approved? Is it just  
14 your knee or are there other issues?

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15           A.       There's -- I believe there's other  
16 issues.

17           Q.       What are those?

18           A.       I don't know what he put in there.

19           Q.       Okay. You don't --

20           A.       My mental status.

21           Q.       Okay. Anything else?

22           A.       The fibromyalgia.

23           Q.       Okay. Anything else?

24           A.       Not without the paperwork, I don't  
25 know.

15

1           Q.       Okay. Could you, after this  
2 deposition, could you email me your attorney's name  
3 from -- and contact information from this  
4 disability program?

5           A.       Yes.

6           Q.       Okay. And then would you agree to  
7 give us a release to get his file? You would  
8 obviously get a copy of it as well.

9           A.       Yes. Absolutely.

10          Q.       Okay, okay. Thank you. Okay. Just  
11 my question then is: You said knee, mental status,

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12 fibromyalgia. What do you mean by mental status?

13 A. Mental status, I had to be evaluated  
14 by psychiatrists due to the issues at hand at work.  
15 I made a comment about committing suicide and I was  
16 put off on administrative leave from work due to  
17 that. And they would not allow me to return to  
18 work until I was evaluated and treated by a  
19 psychiatric doctor. And then I also still had to  
20 follow up with a doctor at PsychBC for that as  
21 well.

22 Q. Okay. But do you know was there any  
23 diagnoses as to your mental status? Did they  
24 conclude that there was any -- that you had  
25 depression or any other diagnosis that you're aware

16

1 of?

2 A. Yeah. Depression and other things.  
3 That's why I'm on the medications I'm on.

4 Q. Okay, okay. And then let me just  
5 ask you as to have you been working since January  
6 1, 2018? Have you had any work?

7 A. No. Have I applied? Yes.

8 Q. You have applied?

9 A. Yes.

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5 against University Hospitals Physician Services?

6 A. Yeah, I'm sure it probably was.

7 MR. CAMPBELL: Jeff, if you could  
8 take us through, turn to page 2 just so Ms. Rose  
9 sees each page.

10 Okay, we're going through your  
11 claims and then if we could turn to page 3. And  
12 then if we could go to page 4.

13 If you could look -- if you could  
14 highlight, Jeff, under number five, below C, the  
15 one, two, the third paragraph, if you could  
16 highlight that first sentence in the third  
17 paragraph below 5C, I am not requesting -- no, no.  
18 Third paragraph. The last paragraph on the page.  
19 BY MR. CAMPBELL:

20 Q. Ms. Rose, I was just taking you to  
21 the sentence, I am not requesting any back pay  
22 and/or future pay as I was approved for SSDI, do  
23 you see that.

24 A. Yes.

25 Q. Is that an accurate statement?

19

1 A. I am requesting -- first of all, I'm



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2 not an attorney. I don't know how this works.

3 Okay? Everybody keeps wanting to say that just

4 because I'm on disability, that I'm not due any

5 money, regardless of the fact they violated my FMLA

6 rights. They did a lot of other things.

7 I don't know how to put dollar

8 amounts. They discriminate -- they discriminate

9 against my disability. I don't know how that

10 works. I had to live off of credit cards for two

11 years until I got my disability. I had no job. I

12 lost my home. I had to sell my house because I

13 could no longer pay the mortgage.

14 So there's a lot of damages. So --

15 Q. Ms. Rose --

16 A. -- back pay, or whatever, it's not

17 labeled as back pay. I am suing them for wrongful

18 termination. I'm suing them for violating my FMLA

19 rights. I am suing them for discrimination against

20 my disabilities, my mental and physical pain,

21 suffering, anguish that I went through. Publicly

22 humiliating me the way they terminated me, which

23 goes against their own policies.

24 So there's a lot of different things

25 that I am suing them for that have nothing to do

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9 not make answers, okay. So the question is very  
10 simple. You are getting disability benefits based  
11 on you claiming you're disabled since November 27,  
12 2017?

13 A. Yes.

14 Q. My question is very simple. Is it  
15 your testimony here today that despite you  
16 receiving disability benefits, that you were  
17 physically able to return to work at University  
18 Hospitals on February 15, 2018?

19 A. Yes, I could have. And I could have  
20 worked while on my disability.

21 Q. Okay. So it's your testimony that  
22 you are able to work your former position at  
23 University Hospitals?

24 A. I don't think it has anything to do  
25 with the position. It has to do with --

27

1 Q. I'm asking you. I don't care what  
2 your disability is. I'm asking you, do you believe  
3 you've been able to perform your former role at  
4 University Hospitals at all times since November  
5 27, 2017 to the present?

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6 A. No. I couldn't do it November 27,  
7 2017.

8 Q. Okay. How about as of January 1,  
9 2018 to the present, could you have done it?

10 A. Under the Social Security Disability  
11 work program, yes.

12 Q. Meaning that -- but your job was  
13 full-time, you could only earn so much income per  
14 year, correct?

15 A. Correct.

16 Q. So you couldn't --

17 THE COURT REPORTER: I'm sorry, I  
18 didn't hear your question.

19 Q. You couldn't have worked full-time  
20 since January 1, 2018, correct?

21 A. Correct.

22 Q. Okay. So you are agreeing with the  
23 Social Security Disability Insurance finding of  
24 November 27, 2017 disability, right?

25 A. I agree that that's the date of my

28

1 corrective knee surgery, yes.

2 Q. Okay. Well, I'm asking you to agree  
3 that that is the first date that you became

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4 disabled, and aside from being able to work within  
5 the constraints of SSDI, you could not work, right,  
6 since that date?

7 A. According to the judge, no.

8 Q. We'll leave it at that, according to  
9 the judge. And you are receiving those benefits  
10 that the judge awarded you, right?

11 A. Yes, I am.

12 Q. Just so the record is clear, are you  
13 saying that the judge is wrong or not today, yes or  
14 no?

15 A. No, I'm not saying he's wrong.

16 Q. Okay, okay. Thank you.

17 A. I'm saying --

18 Q. That was my question.

19 A. -- I could have returned back to  
20 work, not full-time and a different position within  
21 University Hospitals that I was employed for 13  
22 years.

23 Q. Okay, okay. In a different  
24 position, in a part-time position, right?

25 A. Whatever the guidelines are for

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23 workers' compensation claim?

24 A. No. Not that I ever recall.

25 Q. Okay. Have you ever filed for

31

1 bankruptcy?

2 A. No.

3 Q. Have you in the last seven years had  
4 any criminal convictions?

5 A. No.

6 Q. And then as to this, briefly talk  
7 about your work history. Why don't you just tell  
8 me what were the approximate dates of your  
9 University Hospitals employment, beginning and end?

10 A. April of 2004 or '5, one of the two,  
11 and December 20, 2017.

12 Q. Okay. And just briefly, prior to  
13 your employment prior to UH, did you work in  
14 managing a doctor's office prior to UH?

15 A. Prior to working for UH what?

16 Q. Did you ever work in a doctor's  
17 office, any doctor's offices before joining UH?

18 A. Yes.

19 Q. Okay. Were you ever -- prior to UH,

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18 Q. Okay. Did you file any lawsuit?

19 A. No. They didn't wrongfully  
20 terminate me. They didn't violate my FMLA right.

21 Q. Okay. Did you get discharged by any  
22 other employers, other than UH and the Clinic?

23 A. Not that I can recall. I worked for  
24 a temp agency prior to that and they wanted to keep  
25 me, because the doctor loved my work, but it was a

33

1 temp agency and it was for Metro Hospital and  
2 that's when I was hired in at University Hospitals.  
3 That's the reason I left them.

4 Q. Okay. Let me ask you to go into --

5 A. And prior to that, it was all like  
6 fast food prior to that.

7 Q. Okay. Let me ask you then a little  
8 bit about some of the general background with  
9 respect to your employment with University  
10 Hospitals.

11 So it's your recollection that you  
12 were employed for approximately 13 years by  
13 University Hospitals?

14 A. Yes. I believe it was 13.

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15 Q. Okay. What different positions did  
16 you hold? First of all, let me take you just so we  
17 can have --

18 MR. CAMPBELL: Jeff, could you see  
19 if you have -- it's marked exhibit Change in Title.

20 MR. MAIER: Got it.

21 MR. CAMPBELL: Okay.

22 MR. MAIER: There you go.

23 BY MR. CAMPBELL:

24 Q. Thank you. Ms. Rose, do you  
25 recognize this document?

34

1 A. Yes.

2 Q. Okay. Is this document -- I guess,  
3 first of all, it's dated August 7, 2017?

4 A. Correct.

5 Q. And based on this document, it says  
6 as of September 3, 2017, your position, your title  
7 was going to be practice lead. Did I read that  
8 right?

9 A. Yes. Practice lead.

10 Q. Okay. Is that the position that you  
11 held at the time of your discharge from University  
12 Hospitals?

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13 A. I believe so, yeah.

14 Q. Okay.

15 A. They changed all manager

16 (indiscernible.)

17 THE COURT REPORTER: I'm sorry,

18 what? What did you say, something manager?

19 A. They changed all managers' title to

20 practice lead.

21 Q. Okay. And did you report to Cindy

22 Clark?

23 A. She was my supervisor, yes. My

24 direct supervisor.

25 MR. CAMPBELL: If we could, that

35

1 will be marked as Exhibit 3. If you could take

2 that down.

3 - - -

4 Thereupon, a document was marked for

5 purposes of identification as Rose Exhibit 3.

6 - - -

7 BY MR. CAMPBELL:

8 Q. Tell us -- tell us, Ms. Rose, what

9 were your general duties in that position?



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13 A. I believe so, yeah.

14 Q. Okay.

15 A. They changed all manager

16 (indiscernible.)

17 THE COURT REPORTER: I'm sorry,

18 what? What did you say, something manager?

19 A. They changed all managers' title to

20 practice lead.

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22 Clark?

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24 direct supervisor.

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7 BY MR. CAMPBELL:

8 Q. Tell us -- tell us, Ms. Rose, what

9 were your general duties in that position?

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10 A. Who knows.

11 Q. You don't know? You can't tell me  
12 as practice lead what your duties were?

13 A. No, we can't. Because UH changed it  
14 on us at the drop of a hat due to supposedly some  
15 law that came out that if employees didn't make X  
16 amount of dollars on salary, then they couldn't be  
17 salaried, they had to be hourly.

18 Well, that didn't pertain to me. I  
19 made three times the amount required. But UH  
20 decided to change everybody's role and yet they  
21 didn't come out with a new job description. They  
22 were working -- quote, unquote -- working on it.

23 So they expected us to do the same  
24 work, the same amount of work, and the same  
25 everything, but yet they were changing our title.

36

1 Q. Okay. All I'm asking you to do is  
2 give me a brief summary of what was the work that  
3 you --

4 A. I just told you I don't know. They  
5 never came up with a job description.

6 Q. Okay, okay. So you don't know --

7 A. There was a lot of emails back and

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8     forth that UH should provide for you where I was  
9     requesting that information.

10           Q.     Okay. Let me ask you this: When  
11     you went into work after September 3, 2017, what  
12     were you doing? Give us a sample of your day.

13           A.     It just varied. I would go in the  
14     office.

15           Q.     Give us some examples.

16           A.     I would go in the office, the doctor  
17     would come to me if there was a problem he wanted  
18     taken care of. I would take phone calls, I would  
19     order things for the office, I would deal with  
20     issues if an employee was having some issues. Help  
21     on the phones if they got busy. Many different  
22     things.

23           Q.     Okay. Did you consider yourself a  
24     supervisor or manager?

25           A.     Did I consider myself a supervisor

37

1     or manager?

2           Q.     Yeah.

3           A.     No, I was the practice lead.

4           Q.     Okay. Did anybody report to you?

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5 A. No.

6 Q. Could you issue discipline?

7 I didn't hear her answer. Ms. Rose,  
8 did you answer?

9 A. What was the question?

10 Q. Could you issue discipline?

11 A. I don't know. That was a question  
12 that we didn't understand.

13 Q. Okay. What doctors practiced in the  
14 office where you were based?

15 A. What doctors what?

16 Q. What doctors practiced in the office  
17 that you were the lead in?

18 A. Dr. Kent Knauer.

19 Q. Okay. Can you spell that last name?

20 A. K-n-a-u-e-r.

21 Q. Were there any other doctors that  
22 practiced in that office on a regular basis in  
23 2017?

24 A. No.

25 Q. Did you report to the doctor?

38

1 A. What do you mean by report to the  
2 doctor? I don't know what you mean by that.

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5 A. No.

6 Q. Could you issue discipline?

7 I didn't hear her answer. Ms. Rose,  
8 did you answer?

9 A. What was the question?

10 Q. Could you issue discipline?

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12 that we didn't understand.

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14 office where you were based?

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22 practiced in that office on a regular basis in  
23 2017?

24 A. No.

25 Q. Did you report to the doctor?

38

1 A. What do you mean by report to the  
2 doctor? I don't know what you mean by that.

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3 Q. Well, you identified one person who  
4 was your supervisor and I'm asking what was the  
5 doctor's role with respect to you?

6 A. He paid 100 percent of my salary.  
7 100 percent of my health benefits.

8 Q. Did he set the terms and conditions  
9 of your employment or did your supervisor?

10 A. I don't understand what you're  
11 asking.

12 Q. I don't think it's that difficult.  
13 I mean, was he somebody who could give you  
14 directives that you were required to follow?

15 A. Absolutely. It's his practice.

16 Q. Okay. Well, I asked you the  
17 question, you said you didn't understand what I was  
18 asking.

19 And at the time of your discharge,  
20 how were you paid, hourly or salary?

21 A. At the time of the discharge,  
22 hourly.

23 Q. And how much per hour?

24 A. I don't know.

25 Q. Okay. And prior to 2017, okay -- so

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1 we're going to talk about 2017 here coming up, and  
2 we'll go into detail, but I want to ask you, during  
3 your 12 years of employment prior to 2017, I just  
4 want to ask you a couple of questions about it,  
5 okay? Just in general, were you happy at  
6 University Hospitals?

7 A. Very happy.

8 Q. Okay. And did you ever, during  
9 those years up to 2017, ever have to file any  
10 complaints with the human resources department?

11 A. No, I don't think so.

12 Q. Okay. And then during those years,  
13 did you ever have to take any FMLA leave?

14 A. I don't -- yeah, I think I have for  
15 other surgeries. I can't remember.

16 Q. Okay. But it sounds like you're  
17 familiar with FMLA and if you needed to take FMLA,  
18 you knew how to ask for it and you knew your  
19 rights?

20 A. Yes.

21 Q. Okay. And then prior to 2017, I  
22 just want to ask you, I found one of your 2017  
23 emails that you described yourself as loud,

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24 demanding and willing to fight. And it was willing  
25 to fight for your employees. Is that an accurate

40

1 description of yourself?

2 THE COURT REPORTER: Counsel, I'm  
3 sorry.

4 A. I'm sorry?

5 THE COURT REPORTER: Can you read  
6 that again? That she was wild, demanding, and  
7 willing to fight?

8 Q. That you were loud, l-o-u-d,  
9 demanding, and willing fight; is that accurate?

10 A. No, I don't recall that. But, yes,  
11 I will stand up for my employees.

12 Q. Okay. And did you do that during  
13 the course of your employment at UH, all 13 years?

14 A. Not if I wasn't in management.

15 Q. Okay. How long were you in  
16 management, how many years?

17 A. Seven.

18 Q. Okay. All seven of those years, I  
19 assume, if you thought there was a problem, you  
20 would speak up and voice your opinion?

21 A. No, not quite so. If it pertained



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22 to my employees or if it pertained to my office.  
23 You have to remember, I take commands from the  
24 doctor who pays 100 percent of my salary and he  
25 tells me to do something, I do it.

41

1 Q. Okay. My only question was: Did  
2 you raise issues, your opinions, prior to 2017?

3 A. I don't know. I mean -- yeah. I  
4 mean, that's a question that I have no idea.

5 Q. Okay. Let me ask you some simple  
6 questions. Were you ever suspended prior to 2017  
7 by University Hospitals?

8 A. Suspended?

9 Q. Yes.

10 A. Not that I ever recall.

11 Q. Okay. Prior to 2017, were you ever  
12 discharged?

13 A. From?

14 Q. University Hospitals. Did they try  
15 to discharge you? I assume the answer is no. Did  
16 they ever terminate you?

17 A. No, no.

18 Q. Okay. Did you suffer any type of

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22 to my employees or if it pertained to my office.  
23 You have to remember, I take commands from the  
24 doctor who pays 100 percent of my salary and he  
25 tells me to do something, I do it.

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1 Q. Okay. My only question was: Did  
2 you raise issues, your opinions, prior to 2017?

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4 mean, that's a question that I have no idea.

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12 discharged?

13 A. From?

14 Q. University Hospitals. Did they try  
15 to discharge you? I assume the answer is no. Did  
16 they ever terminate you?

17 A. No, no.

18 Q. Okay. Did you suffer any type of

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19 written disciplinary actions from 2004 through to  
20 January 1, 2017?

21 A. I'm sorry, can you say that again,  
22 did I what?

23 Q. Did you get any discipline --  
24 discipline issued from 2004 until January 1, 2017?

25 A. My first corrective action was

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1 October of 2017. And that was a final warning.

2 Q. So the answer is what?

3 A. It was a final warning. And  
4 technically the way their policy works is you're  
5 supposed to have a verbal warning, a written  
6 warning, then you get put into corrective action,  
7 then you get suspended, and then you get  
8 terminated, according to their policy.

9 Q. Okay, thank you for that. Ms. Rose,  
10 my question, I think you've answered it, but just  
11 so the record is clear, you never got any  
12 discipline from 2004 until January 1, 2017,  
13 correct?

14 A. Yes. I had an October 2017  
15 corrective action.

16 Q. Okay. Let me say again. Maybe I'll

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17 take out the January 1st. How about December 31,  
18 2016, do you understand what I'm saying? From 2004  
19 until December 31, 2016, you never were disciplined  
20 by University Hospitals, correct?

21 A. Not that I ever recall.

22 Q. Okay, thank you for that.

23 A. (Indiscernible) provided when I  
24 asked for my employee file.

25 Q. We will do that. I just -- I'm

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1 simply asking you today about your recollection of  
2 those events. So thank you for that.

3 So before we take a break, I just  
4 want to roll through a couple of the policies just  
5 for the record. I'm assuming as a seven or  
6 eight-year management employee, that you're  
7 familiar with University Hospitals' written  
8 policies?

9 A. As an employee we have to look at  
10 the policies.

11 Q. Okay. You were familiar, that's my  
12 only question. Not a trick, I just wanted to know,  
13 were you familiar with the policies?

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17 take out the January 1st. How about December 31,  
18 2016, do you understand what I'm saying? From 2004  
19 until December 31, 2016, you never were disciplined  
20 by University Hospitals, correct?

21 A. Not that I ever recall.

22 Q. Okay, thank you for that.

23 A. (Indiscernible) provided when I  
24 asked for my employee file.

25 Q. We will do that. I just -- I'm

43

1 simply asking you today about your recollection of  
2 those events. So thank you for that.

3 So before we take a break, I just  
4 want to roll through a couple of the policies just  
5 for the record. I'm assuming as a seven or  
6 eight-year management employee, that you're  
7 familiar with University Hospitals' written  
8 policies?

9 A. As an employee we have to look at  
10 the policies.

11 Q. Okay. You were familiar, that's my  
12 only question. Not a trick, I just wanted to know,  
13 were you familiar with the policies?

Rose Michelle 08.20.20

14 A. Some of them. There was many of  
15 them.

16 Q. Let's look at a couple.

17 A. Mind you, those are policies written  
18 by UH hospital -- and quote, unquote -- and my  
19 witnesses will testify to this, when they are a  
20 risked position, as Dr. Knauer was, we fall under  
21 the UH umbrella that he is allowed to bend the  
22 policies the way he sees fit in his practice.

23 Q. Okay. Thank you. I just want you  
24 to verify some written policies.

25 MR. CAMPBELL: So, Jeff, if we

44

1 could first put up Exhibit HR-19.

2 Q. Ms. Rose, I'm assuming you  
3 understood there was a written Family Medical Leave  
4 absence policy.

5 A. FMLAs, yes.

6 Q. Okay. That will be marked as  
7 Exhibit 4.

8 - - -

9 Thereupon, a document was marked for  
10 purposes of identification as Rose Exhibit 4.

11 - - -

Rose Michelle 08.20.20

14 A. Some of them. There was many of  
15 them.

16 Q. Let's look at a couple.

17 A. Mind you, those are policies written  
18 by UH hospital -- and quote, unquote -- and my  
19 witnesses will testify to this, when they are a  
20 risked position, as Dr. Knauer was, we fall under  
21 the UH umbrella that he is allowed to bend the  
22 policies the way he sees fit in his practice.

23 Q. Okay. Thank you. I just want you  
24 to verify some written policies.

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44

1 could first put up Exhibit HR-19.

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3 understood there was a written Family Medical Leave  
4 absence policy.

5 A. FMLAs, yes.

6 Q. Okay. That will be marked as  
7 Exhibit 4.

8 - - -

9 Thereupon, a document was marked for  
10 purposes of identification as Rose Exhibit 4.

11 - - -

Rose Michelle 08.20.20

12 MR. CAMPBELL: Could you put up the  
13 next one, HR-20. Exhibit HR-20.

14 BY MR. CAMPBELL:

15 Q. Ms. Rose, did you understand there  
16 was a written antiharassment and nondiscrimination  
17 policy at UH?

18 A. No. I can't say I knew this one,  
19 no.

20 Q. Okay. Did you understand that  
21 harassment and discrimination were prohibited by  
22 University Hospitals?

23 A. I'm sorry, say that again.

24 Q. Did you understand that harassment  
25 and discrimination were prohibited by the policies

45

1 at University Hospitals?

2 A. Harassment and discrimination?

3 Q. Yes.

4 A. Yes. I know that's against the  
5 rules.

6 Q. Okay.

7 MR. CAMPBELL: If we could, that  
8 will be Exhibit 5.



Rose Michelle 08.20.20

22 to my employees or if it pertained to my office.  
23 You have to remember, I take commands from the  
24 doctor who pays 100 percent of my salary and he  
25 tells me to do something, I do it.

41

1 Q. Okay. My only question was: Did  
2 you raise issues, your opinions, prior to 2017?

3 A. I don't know. I mean -- yeah. I  
4 mean, that's a question that I have no idea.

5 Q. Okay. Let me ask you some simple  
6 questions. Were you ever suspended prior to 2017  
7 by University Hospitals?

8 A. Suspended?

9 Q. Yes.

10 A. Not that I ever recall.

11 Q. Okay. Prior to 2017, were you ever  
12 discharged?

13 A. From?

14 Q. University Hospitals. Did they try  
15 to discharge you? I assume the answer is no. Did  
16 they ever terminate you?

17 A. No, no.

18 Q. Okay. Did you suffer any type of

Rose Michelle 08.20.20

19 written disciplinary actions from 2004 through to  
20 January 1, 2017?

21 A. I'm sorry, can you say that again,  
22 did I what?

23 Q. Did you get any discipline --  
24 discipline issued from 2004 until January 1, 2017?

25 A. My first corrective action was

42

1 October of 2017. And that was a final warning.

2 Q. So the answer is what?

3 A. It was a final warning. And  
4 technically the way their policy works is you're  
5 supposed to have a verbal warning, a written  
6 warning, then you get put into corrective action,  
7 then you get suspended, and then you get  
8 terminated, according to their policy.

9 Q. Okay, thank you for that. Ms. Rose,  
10 my question, I think you've answered it, but just  
11 so the record is clear, you never got any  
12 discipline from 2004 until January 1, 2017,  
13 correct?

14 A. Yes. I had an October 2017  
15 corrective action.

16 Q. Okay. Let me say again. Maybe I'll

Rose Michelle 08.20.20

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1 MR. CAMPBELL: That will be  
2 Exhibit 9.

3 - - -

4 Thereupon, a document was marked for  
5 purposes of identification as Rose Exhibit 9.

6 - - -

7 BY MR. CAMPBELL: If we could go  
8 then to the final policy, HR-63, which will be  
9 Exhibit 10.

10 - - -

11 Thereupon, a document was marked for  
12 purposes of identification as Rose Exhibit 10.

13 - - -

14 MR. MAIER: There you go.

15 MR. CAMPBELL: Okay.

16 BY MR. CAMPBELL:

17 Q. Have you seen HR-63, Professional  
18 Behavior, before today, Ms. Rose?

19 A. Yes. That was mailed to me.

20 Q. Okay. That was part of your  
21 discharge, correct?

22 A. Yes.

Rose Michelle 08.20.20

23 Q. Okay. You understood that UH's  
24 policy required all employees to treat each other  
25 with respect?

50

1 A. I'm sorry, say that again.

2 Q. You understood that UH policies  
3 required all employees to treat each other with  
4 respect?

5 A. Absolutely. Including supervisors  
6 and HR.

7 Q. Okay. Including yourself, correct?

8 A. Yes.

9 Q. Okay.

10 MR. CAMPBELL: If we could take  
11 that down. That will be Exhibit 10.

12 Ms. Rose, before we get into 2017,  
13 why don't we take a short break. It's 3:12. What  
14 time would you like to come back? Is 3:20 okay?  
15 Or what time would you like to get back?

16 MS. ROSE: I mean, 10-minute break  
17 is fine for me. Five-minute break.

18 MR. CAMPBELL: Linda, how long  
19 would you like? Do you want to go to 3:30, Linda,  
20 or you want to -- you tell us.

Rose Michelle 08.20.20

21 THE COURT REPORTER: Ten minutes is  
22 fine.

23 MR. CAMPBELL: We're 3:13, so we'll  
24 come back at 3:25, okay, Ms. Rose?

25 MR. ROSE: Sounds good.

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1 MR. CAMPBELL: Okay, thank you.

2 (A recess was taken.)

3 BY MR. CAMPBELL:

4 Q. Thank you. So, Ms. Rose, before we  
5 get into the discipline, let me just ask you a  
6 couple of questions about 2017.

7 First of all, did you have  
8 intermittent leave under FMLA approved for your own  
9 condition in 2017?

10 A. I believe there was -- yes, there  
11 was a total of three.

12 Q. Okay. I think the three was one  
13 intermittent leave for your own medical condition,  
14 one intermittent leave for your father, and then a  
15 leave for your knee. Are those the three?

16 A. Yes.

17 Q. Okay. All were approved, ultimately

Rose Michelle 08.20.20

18 approved?

19 A. One was denied, which was the one  
20 for my knee was denied. And she emailed me stating  
21 that the doctor did not fill out his portion. So  
22 that was not approved until, I believe, the 10th of  
23 December, if I recall. I don't recall at this  
24 time. I have the denial letter, which was dated  
25 December 4th. And she stated via email that the

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1 doctor did not fill out his portion of the  
2 paperwork. And it was during that time that HR  
3 accused me of working while on FMLA.

4 Q. Okay. My questions right now are  
5 pretty simple, okay? Let's just verify. The  
6 intermittent leave for your father's condition was  
7 approved, right?

8 A. Yes.

9 Q. Under the FMLA, right?

10 A. Yes.

11 Q. The intermittent leave for your own  
12 condition, I believe it was fibromyalgia, was  
13 approved, correct?

14 A. Yes.

15 Q. And then the leave of absence for

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16 your knee surgery was ultimately approved, correct?

17 A. In the long run it was. It was not  
18 approved until after the fact. Yes, it was finally  
19 approved.

20 Q. Okay. We've seen the exhibit.  
21 We've already gone through the exhibit, first  
22 exhibit in the deposition, correct?

23 A. You neglected to put the letter up  
24 that denied it, though.

25 Q. Ms. Rose, I'm not going to argue

53

1 with you about every little point. We saw that  
2 your knee --

3 A. It's pretty -- absolutely not. That  
4 was the time frame I was accused of working and I  
5 wasn't on leave. It was denied. So it's pretty  
6 important to the case.

7 Q. Okay.

8 A. So if you do not have that denial  
9 letter, I'll be happy to send you a copy.

10 Q. We'll get into it. Thank you very  
11 much. So now let's go through some of the  
12 documents I want to ask you about.

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8 wrong way. That I must stop and think how the  
9 other person may read it and read into it  
10 differently than what I mean by it.

11 Q. Okay. Then did you ever get  
12 counseling regarding the proper chain of command  
13 prior to this final written warning?

14 A. Absolutely not.

15 Q. Now, on the communication style,  
16 most certainly you understood that somebody could  
17 be upset by your email, even if you didn't intend  
18 it to be that way?

19 A. Yes.

20 Q. And that's what she was talking to  
21 you about?

22 A. My supervisor had a conversation  
23 with me about that, yes.

24 Q. Well, as you said --

25 A. Not human resources.

56

1 Q. Okay. Well, as you said, the doctor  
2 was paying your salary and it was important that  
3 you represent the doctor in an appropriate manner,  
4 correct?

5 A. I had to do what I was told by the



Rose Michelle 08.20.20

11 two years by her direct manager, and most recently  
12 in partnership with human resources, in relation to  
13 her professional behavior, communication style, and  
14 proper chain of command.

15 Did I read that right?

16 A. You read it right, but it's  
17 incorrect.

18 Q. What is incorrect about it?

19 A. I have never been coached over the  
20 past two years about: Her direct manager, and most  
21 recently in partnership with human resources, in  
22 relations to her professional behavior,  
23 communication style, and proper chain of command.  
24 Absolutely false.

25 Q. Okay. Did anybody speak to you

55

1 about professional behavior prior to this final  
2 written warning?

3 A. Absolutely not.

4 Q. Did anybody speak to you about your  
5 communication style prior to this written warning?

6 A. The only conversation I had with my  
7 supervisor was sometimes my emails come across the

Rose Michelle 08.20.20

8 wrong way. That I must stop and think how the  
9 other person may read it and read into it  
10 differently than what I mean by it.

11 Q. Okay. Then did you ever get  
12 counseling regarding the proper chain of command  
13 prior to this final written warning?

14 A. Absolutely not.

15 Q. Now, on the communication style,  
16 most certainly you understood that somebody could  
17 be upset by your email, even if you didn't intend  
18 it to be that way?

19 A. Yes.

20 Q. And that's what she was talking to  
21 you about?

22 A. My supervisor had a conversation  
23 with me about that, yes.

24 Q. Well, as you said --

25 A. Not human resources.

56

1 Q. Okay. Well, as you said, the doctor  
2 was paying your salary and it was important that  
3 you represent the doctor in an appropriate manner,  
4 correct?

5 A. I had to do what I was told by the

Rose Michelle 08.20.20

6 doctor, yes.

7 Q. Wouldn't the doctor expect you or  
8 want you to show others professionalism?

9 A. Absolutely.

10 Q. Okay. And respect them, right?

11 A. Absolutely.

12 Q. Okay, okay. So now let's go on to  
13 paragraph two. And it says, Michelle has continued  
14 to have a very aggressive communication style.

15 Do you agree or deny that?

16 A. Deny.

17 Q. And then the Soarian/PCARM, what is  
18 that?

19 A. Soarian --

20 MR. CAMPBELL: Wait, just for the  
21 record. Linda, just for the record, Soarian is  
22 S-O-R-I-A-N/P-C-A-R-M (sic).

23 Q. Ms. Rose, what is that?

24 A. It was a launch of a new scheduling  
25 program and billing program for UHPS.

57

1 Q. You were told -- your office was  
2 told when Soarian was going to be rolled out in

Rose Michelle 08.20.20

3 your office, correct?

4 A. Initially we were given a date.

5 Q. Then you were given a new date,  
6 right?

7 A. No. It was kind of sprung on us at  
8 the last moment.

9 Q. Okay.

10 A. Nobody in the office consulted with  
11 myself as the manager and/or the doctor. Neither  
12 was consulted with on a date.

13 Q. And you voiced your displeasure with  
14 that date?

15 A. No. I voiced the displeasure from  
16 Dr. Knauer with that date.

17 Q. You did that with the entire allergy  
18 department, correct?

19 A. No. They stated that the entire  
20 allergy department has to go as one, and Dr. Knauer  
21 had stated he is the senior when it comes to the  
22 allergy department and felt that all communication  
23 should go through him for decision-making.

24 Q. My question is just simply: This  
25 second paragraph says that you advised the entire

Rose Michelle 08.20.20

24 A. Correct. Uh-huh.

25 Q. Okay. But you did not show your

88

1 final written warning to the doctor and ask him to  
2 respond to HR on it, correct?

3 A. No. No, I didn't see a need for it.

4 Q. Okay. So let me ask you, after the  
5 final written warning -- just so we're clear as to  
6 the date as to this. So let me ask you just in  
7 terms of so I understand when you were at work and  
8 when you were on your leave.

9 So your final written warning was  
10 given to you on October 19, 2017, can we agree on  
11 that?

12 A. I don't have it in front of me, but  
13 I believe so, yes.

14 Q. Okay. And you were terminated, I  
15 believe, on December 20, 2017, right?

16 A. Yes.

17 Q. Okay. What days were you out on  
18 FMLA, was it beginning November 27, 2017 when you  
19 were out on FMLA?

20 A. No, sir. I went out -- I believe  
21 that October was a Friday, if I'm not mistaken, and

Rose Michelle 08.20.20

22 I received a call about my father's -- I was -- I  
23 was out of state and I received a call from the VA  
24 Hospital on Saturday that my father had taken a  
25 turn for the worse and was in the ICU.

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1 And I rushed home and I reached the  
2 VA Hospital that Sunday, October 20th maybe, or  
3 21st. And I was on a continuous leave at the VA  
4 with him since that Sunday.

5 Q. So since -- through the date of your  
6 termination?

7 A. No, no. My father passed away  
8 November 4th.

9 Q. So from October 21st until November  
10 4th, when did you return to work again? When do  
11 you think you returned to work again?

12 A. I do believe it was the 15th of  
13 November.

14 Q. Then you worked until the 27th when  
15 you went out for your knee surgery?

16 A. Yes.

17 Q. So just so we're clear, and I'm  
18 sorry about your father, but we're clear from after

Rose Michelle 08.20.20

19 your final written warning, was October 21st until

20 you think November 15th you were out on a leave?

21 A. Yes.

22 Q. Then from November 27th until your

23 discharge you were on a leave?

24 A. I'm sorry, say that again.

25 Q. From November 27th until your

90

1 discharge on December 20th you were on another

2 leave of absence?

3 A. Yes. My surgery date, yes.

4 Q. Your surgery, okay. And so we're

5 going to come back. Why don't we take a short

6 break with that, we'll come back as to some of the

7 issues that led up to your termination. So why

8 don't we -- it's 4:23. Can we come back at 4:35,

9 does that work?

10 MR. ROSE: Yeah, that's fine for

11 me.

12 MR. CAMPBELL: Does that work for

13 everybody else on the call?

14 MR. MAIER: I'm good.

15 (A recess was taken.)

16 BY MR. CAMPBELL:

Rose Michelle 08.20.20

17 Q. Ms. Rose, we're back on the record.  
18 When we left we talked about your date of  
19 employment or your final two months of employment  
20 what days you were on FMLA. So let's talk about  
21 that, first of all. Your surgery was on November  
22 27, 2017?

23 A. Yes.

24 Q. And you said that was what,  
25 reconstructive knee surgery?

91

1 A. Yes.

2 Q. Okay. And then you came back to  
3 work on what day? Did you come back to work  
4 between November 27th and December 20th?

5 A. Yes. I believe it was -- whatever  
6 the Monday was. I believe it might have been the  
7 17th or the 15th of December. Trying to pull up a  
8 calendar.

9 Q. On December 12th and December 14th,  
10 were you working on leave?

11 A. On December what?

12 Q. Twelfth and 14th.

13 A. Okay. I have to pull up a calendar,



Rose Michelle 08.20.20

17 Q. Ms. Rose, we're back on the record.  
18 When we left we talked about your date of  
19 employment or your final two months of employment  
20 what days you were on FMLA. So let's talk about  
21 that, first of all. Your surgery was on November  
22 27, 2017?

23 A. Yes.

24 Q. And you said that was what,  
25 reconstructive knee surgery?

91

1 A. Yes.

2 Q. Okay. And then you came back to  
3 work on what day? Did you come back to work  
4 between November 27th and December 20th?

5 A. Yes. I believe it was -- whatever  
6 the Monday was. I believe it might have been the  
7 17th or the 15th of December. Trying to pull up a  
8 calendar.

9 Q. On December 12th and December 14th,  
10 were you working on leave?

11 A. On December what?

12 Q. Twelfth and 14th.

13 A. Okay. I have to pull up a calendar,

Rose Michelle 08.20.20

14 I'm sorry. I believe it was the 12th.

15 Q. Okay. So you went back to work on  
16 the 12th, and then you went on a leave again  
17 December 15th; is that right?

18 A. Excuse me. The 11th. I'm sorry, I  
19 didn't see that was Saturday and Sunday. Monday,  
20 December 11th, I returned to work.

21 Q. Okay. And went back on a leave?

22 A. On the 15th I went back to my  
23 surgeon, because I had some issues, and he then put  
24 me on a leave until January 15th.

25 Q. Okay. That's fair. So let me then

92

1 talk to you a little bit about, if you could --

2 MR. CAMPBELL: Jeff, are you back?

3 MR. MAIER: Yes, sir.

4 MR. CAMPBELL: Okay. Could you  
5 bring up Exhibit Text - Don't Come to Work.

6 This will be Exhibit 16.

7 - - -

8 Thereupon, a document was marked for  
9 purposes of identification as Rose Exhibit 16.

10 - - -

11 BY MR. CAMPBELL:

Rose Michelle 08.20.20

14 I'm sorry. I believe it was the 12th.

15 Q. Okay. So you went back to work on  
16 the 12th, and then you went on a leave again  
17 December 15th; is that right?

18 A. Excuse me. The 11th. I'm sorry, I  
19 didn't see that was Saturday and Sunday. Monday,  
20 December 11th, I returned to work.

21 Q. Okay. And went back on a leave?

22 A. On the 15th I went back to my  
23 surgeon, because I had some issues, and he then put  
24 me on a leave until January 15th.

25 Q. Okay. That's fair. So let me then

92

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2 MR. CAMPBELL: Jeff, are you back?

3 MR. MAIER: Yes, sir.

4 MR. CAMPBELL: Okay. Could you  
5 bring up Exhibit Text - Don't Come to Work.

6 This will be Exhibit 16.

7 - - -

8 Thereupon, a document was marked for  
9 purposes of identification as Rose Exhibit 16.

10 - - -

11 BY MR. CAMPBELL:

Rose Michelle 08.20.20

12 Q. Just so we're clear, this is a  
13 document you provided to us, Ms. Rose?

14 A. I believe so, yes.

15 Q. This is from the doctor, right?

16 A. Yes.

17 Q. This is the doctor telling you that  
18 hey, don't show -- don't come in to work during  
19 your FMLA leave, right?

20 A. Yes.

21 Q. So the doctor was giving you a heads  
22 up, hey, you shouldn't be working, don't come in to  
23 the office during your FMLA, right?

24 A. He didn't say anything about  
25 working. He said don't come in to the office.

93

1 Q. Okay.

2 MR. CAMPBELL: Now, that will be  
3 Exhibit 16. If we can drop out of that one, Jeff.

4 A. May I add something to that?

5 MR. CAMPBELL: You can, but, Jeff,  
6 if you can drop out of that.

7 A. That was a scheduled appointment,  
8 because not only did I work for him, he was also my

Rose Michelle 08.20.20

9 physician and immunologist for me. So I had a  
10 scheduled appointment with the doctor as a patient.

11 Q. Well, he was telling you that -- he  
12 was giving you a clear warning and advice not to be  
13 coming in unless you had a doctor's appointment,  
14 right?

15 A. No. He didn't say unless you have a  
16 doctor's appointment. He just said, heads up, all  
17 eyes are on you. I advise you not to come in.

18 Q. Okay. Just one second. Let me  
19 verify the exhibit's name.

20 MR. CAMPBELL: This exhibit, Rose  
21 Termination Document.

22 - - -

23 Thereupon, a document was marked for  
24 purposes of identification as Rose Exhibit 17.

25 - - -

94

1 BY MR. CAMPBELL:

2 Q. Okay. Ms. Rose, do you recognize  
3 this document?

4 A. Yes.

5 Q. And this is notifying you of your  
6 termination on December 20, 2017?

Rose Michelle 08.20.20

7 A. Yes.

8 Q. How were you notified of this?

9 A. I was -- that was mailed to my  
10 house. I was notified of my termination by Cindy  
11 Clark and Valerie Jaggie calling me from my office  
12 on speakerphone during business hours terminating  
13 me.

14 Q. Okay. What did they tell you during  
15 the call?

16 A. I'll be honest, I don't recall,  
17 because I just was so upset that they would  
18 humiliate me in such a way when the UH policy  
19 states that this must be held at the utmost private  
20 spectrum and privacy for any type of corrective  
21 action or termination. And they were calling me  
22 from my own office during business hours while the  
23 doctor was there, employees were there, patients  
24 were there, and did this by speakerphone.

25 Q. Okay. Did your office at the

95

1 practice have a door on it?

2 A. Yes and no. It was right next to  
3 the front desk, which had a window connecting, and

Rose Michelle 08.20.20

4 you could hear everything. And everybody heard.

5 Q. Okay. How do you know everybody  
6 heard?

7 A. I worked in the office for seven  
8 years. And for seven years it was always an issue  
9 in the office that there was no privacy, because  
10 you could hear all the phone conversations going  
11 on.

12 Q. Okay. Let's go to the next page of  
13 this termination document. Did you ever see this  
14 document laying out the grounds for your discharge?

15 A. Yes. That was mailed to me.

16 Q. Okay. Let's blow up Describe the  
17 Circumstances portion of it. All those paragraphs  
18 there.

19 So, Ms. Rose, we just want to verify  
20 some of these things that is UH's position and see  
21 what your position is with respect to it.

22 First of all, we can agree that you  
23 did get a final written warning on October 19,  
24 2017, right?

25 A. Yes.

96

1 Q. Okay. Now, the email on December

Rose Michelle 08.20.20

2 12th and December 14th, what were those?

3 A. UH would never produce them. My  
4 previous attorneys requested them and they would  
5 never produce them. And I was told I could not  
6 have a copy, because I was no longer an employee.

7 Q. Okay. So you don't know what emails  
8 you sent?

9 A. On December 12th or 14th, no.

10 Q. Okay. So now let's go into the next  
11 paragraph. It says you went on a continuous leave  
12 of absence beginning on December 15th. We agree on  
13 that, right?

14 A. Yes.

15 Q. Okay. And then on December 19th,  
16 Cindy Clark texted you to remind you that you  
17 should not be working, do you recall that?

18 A. Yes.

19 Q. Okay. And then as to what came  
20 next, Cindy alleges that you started to text the  
21 office staff; is that true?

22 A. Yes. I did send a text that's next  
23 in line, but there was a following text after.  
24 When I received the text from Cindy, I then reached  
25 back out to the person I text and said, Never mind.



Rose Michelle 08.20.20

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1 I won't be able to do -- I can't quote it, because  
2 I don't have it in front of me, but they neglected  
3 to put that in there. There was a second text to  
4 the same person, which I have, that states, please  
5 disregard, I'm not going to be able to drop those  
6 off or get them to you, or something of that  
7 nature, because Cindy has informed me via text that  
8 I'm not allowed to work while I'm on STD.

9 Q. Just to verify on these four bullet  
10 points, did you text that information that's  
11 quoted?

12 A. No, I did not.

13 Q. You did not. You didn't text any of  
14 those statements?

15 A. The text that says, I need each of  
16 you to call me, it's not -- so I don't know how to  
17 explain this. Cindy knows how this works. When  
18 you're a manager and you have to change each  
19 employee's access to certain programs and systems,  
20 you, as the manager, have to have their log-in,  
21 their password, the last four digits of their  
22 social security number, their favorite color, and

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23 their mother's maiden name. And you have to have  
24 this in order to go into and grant them access to  
25 certain areas in each program.

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1 So with our systems changing, I was  
2 telling the employees that I needed them to send me  
3 that information for Athena, EMR and Soarian,  
4 because I had to change all their information to  
5 give them access to things they didn't have access  
6 to prior.

7 Q. Well, my question to you is pretty  
8 simple. As to each of those four bullet points,  
9 there's quotes there, do you agree or disagree that  
10 you sent text messages with those quotes?

11 A. I agree, but there's not other  
12 things that were said in the text with it.

13 Q. Okay.

14 A. For example, send all communications  
15 to me by text, please and thank you. Please let  
16 Vida know that she can call me as she never texts,  
17 so tell her to call me and not to email. But it  
18 also stated after that I am having a problem with  
19 getting on the VPN at home, so I'm not able to get  
20 my emails.

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21 Q. Let's go to the next paragraph. It  
22 says, At 1:50 p.m., Michelle was informed by Cindy  
23 that she was not to be on hospital property unless  
24 she was receiving medical attention. Do you agree  
25 with that?

99

1 A. I can't quote the time, but, yes,  
2 she did say that.

3 Q. And then it states, the next one at  
4 2:22, and, again, I understand you might not know  
5 the time, but it says you sent a text to a  
6 co-worker that stated, I have texted you, called  
7 the office and left you voicemails and you need to  
8 call me. Did you do that?

9 A. Yes. But the time is not correct.

10 Q. Okay. And then if we go to the next  
11 paragraph, Cindy then contacts Michelle via phone  
12 to remind her that she was on STD and was not  
13 supposed to be contacting her staff via email,  
14 phone or text. Did that happen?

15 A. I don't recall. I know I spoke to  
16 Cindy, because I told her that I had to turn on my  
17 out of the office for the email so that they would

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21 Q. Let's go to the next paragraph. It  
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23 that she was not to be on hospital property unless  
24 she was receiving medical attention. Do you agree  
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99

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11 paragraph, Cindy then contacts Michelle via phone  
12 to remind her that she was on STD and was not  
13 supposed to be contacting her staff via email,  
14 phone or text. Did that happen?

15 A. I don't recall. I know I spoke to  
16 Cindy, because I told her that I had to turn on my  
17 out of the office for the email so that they would

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18 know who to contact. And I also had to put a  
19 voicemail thing on my phone so patients would know  
20 who to call instead of me as well, because they  
21 wouldn't get a call back. Nobody mans my phone.

22 And she told me to contact IT  
23 department and they could help me put a message on  
24 the phone and she also told me they could help me  
25 with putting out of the office on my emails as

100

1 well.

2 Q. Okay. Then it says, Approximately  
3 five minutes later, Michelle called the office from  
4 a blocked number and began yelling at one of the --  
5 one of her staff members because she did not inform  
6 her that Cindy was in her office. Did I read that  
7 right?

8 A. Absolutely not true.

9 Q. You --

10 A. That is when I called -- that is  
11 when I called the front office as a patient and  
12 canceled my appointment with the doctor.

13 Q. Okay. And you didn't yell --

14 A. After the phone conversation with  
15 Cindy, after that phone conversation with Cindy,

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16 that is when I called the office directly and  
17 canceled my appointment as a patient.

18 Q. Okay. Did you schedule a false  
19 appointment just to be able to enter the property?

20 A. No, absolutely not. My appointment  
21 was made even before I went on FMLA.

22 Q. Did you -- you had an unemployment  
23 hearing after your discharge, correct?

24 A. I had -- yes, I did.

25 Q. You represent in the unemployment

101

1 bureau that you didn't do any of this, you just  
2 went in for a medical appointment, right?

3 A. No, that is not true.

4 Q. Did the decision make it appear to  
5 be that that was your testimony?

6 A. No. That is not true. I have --

7 Q. We'll see. And then on the last  
8 paragraph, it says, The staff are very nervous and  
9 concerned about her behavior for their own safety.

10 Did any of the staff members tell  
11 you that they were concerned with what you were  
12 doing?

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12 too. It says, Michelle, thank you, Julie.

13 BY MR. CAMPBELL:

14 Q. Just want to verify you did ask it  
15 and UH confirmed that your insurance coverage was  
16 through January 31, 2018, right?

17 A. That's what her letter said and  
18 that's what her email said, but that's not what  
19 happened.

20 Q. Okay. Just so -- just so we're  
21 clear, you didn't do anything in return for UH  
22 extending your insurance to the end of January  
23 2018, right?

24 A. I don't understand what you're  
25 asking.

112

1 Q. You didn't sign a release, right?

2 A. The release was going to be -- if I  
3 signed the release, they would have kept it open  
4 until February 2018.

5 Q. Simple question. You didn't sign  
6 the release, right?

7 A. Correct. So I was told I'd have  
8 insurance through the 31st of January and I did  
9 not.

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10 Q. Did you pay any money to UH to  
11 extend your benefits through January?

12 A. She offered it through January.

13 Q. Did you do anything in return to get  
14 the insurance in January from UH?

15 A. I don't understand.

16 Q. Did you give anything to UH for it  
17 or was it a gift that they were giving to you?

18 A. It was not a gift. They fired me  
19 while on leave from a medical procedure and the  
20 doctor that works for UH had stated she needs seven  
21 weeks of physical therapy at least. So they are  
22 going by what the surgeon recommended.

23 Q. Ms. Rose, did you give any -- your  
24 benefits -- this will be real simple. Your  
25 benefits were supposed to end on December 31,

113

1 right?

2 A. If that's how it works, yeah. I was  
3 terminated on the 20th.

4 Q. Okay. So did you give anything for  
5 UH to extend your benefits one more month? Simple,  
6 did you pay them money?



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7 A. No.

8 Q. You didn't sign a release, right?

9 A. The release wasn't about that.

10 Q. You didn't give them anything. Is  
11 there anything that you gave to UH in return for  
12 that one month of benefits?

13 A. I didn't receive the one month of  
14 benefits, but no.

15 Q. Okay. You didn't give them  
16 anything, okay. Now, let me just -- we can drop  
17 out of there, Jeff.

18 - - -

19 Thereupon, a document was marked for  
20 purposes of identification as Rose Exhibit 22.

21 - - -

22 BY MR. CAMPBELL:

23 Q. I just want to go through with  
24 you -- we're just about wrapped up here. I just  
25 want to ask you a couple of questions as to it.

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1 With respect to your harassment  
2 complaint, what is the micromanaging of emails  
3 about?

4 A. Cindy Clark sent me an email stating

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whatsoever in the event of this litigation.

14 IN WITNESS WHEREOF, I have hereunto set  
my hand and official seal of office at Columbus,  
15 Ohio, this 6th day of September, 2020.

16

17

18

19

/s/Linda A. Schilt, RPR\_\_\_\_\_  
20 Notary Public, State of Ohio

21

My Commission Expires: July 29, 2024.

22

23

- - -

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